

REMARKS

A. General:

1. Claims 1, 4, 5, 17, 20, 22, 26, 28, 30, 31, and 40 have been amended. Independent claim 1 has been amended to incorporate the micro-pump from claims 2 and 3, and the single microcircuit from claim 11. New language referring to a chip set wherein the single microcircuit or chip set is integrated into the apparatus has also been added to claim 1; support is found in the specification, paragraph [0038]. Claim 20 has been amended to include the language from claim 21 including a single microcircuit chip, plus the new language that was also added to claim 1 support for which is found in paragraph [0038] of the specification. Finally, claim 31 has been amended to include language from claims 34 and 35 plus recitation of a micro-pump as well as the addition of an integrated single microcircuit or chip set which, again, is supported by paragraph [0038] of the specification. Claims 4, 5, 17, 22, 26, 28, 30, and 40 have been amended to correct dependencies due to claim cancellations and/or to correct typographical errors.
2. Claims 2, 3, 6, 11, 21, and 34-36 have been cancelled.
3. Claims 1, 4, 5, 7-10, 12-20, 22-33, and 37-41 remain under examination.

B. Objection to Specification:

The Examiner has objected to the specification because of the following informalities, "the blanks in the specification should be filled in." Applicants have amended paragraphs [0022] – [0024] and [0028] to incorporate the serial number, filing date, patent number and issue date of the referenced attorney docket number in each blank thereby obviating this objection.

C. Objection to Claims:

The Examiner has objected to claims 6, 17, 28 and 36 for various informalities.

Applicants have cancelled claims 6 and 36 thereby obviating this objection as to them. Applicants have amended claims 17 and 28 to change "wired" to "wire" and changed the dependency of claim 28 from claim 16 to claim 27 so that claim 28 is no longer redundant with claim 17 thereby obviating the Examiner's other claim objections.

D. §112 Rejection:

The Examiner has rejected claim 30 under 35 USC§112, second paragraph, as being indefinite.

Applicants have amended claim 30 to depend from claim 29 thereby obviating this rejection.

E. §102 Rejection:

The Examiner has rejected claims 1-2, 5-6, 10, 12-14, 20 and 31-41 under 35 USC§102(e) as being anticipated by Chan et al. (US patent application 2002/0090649).

Applicants have canceled claims 2, 6, and 34-36 thereby obviating this rejection as to them.

As noted above, Applicants have amended independent claims 1 and 31 to now include and recite a micro-pump. Since Chan et al. does not disclose using a micro-pump, as the Examiner states, neither claims 1 and 31 nor the claims depending therefrom can be anticipated by Chan et al. thereby obviating this rejection. Furthermore, claims 1, 20, and 31 have been amended to recite that the analytic circuitry is embodied on a single microcircuit which, again as stated by the Examiner, is not disclosed by Chan et al. and, therefore, is also a basis for obviating the Examiner's §102 rejection.

F. §103 Rejections:

Applicants will address all of the rejections under §103 in the material immediately below in light of the amendments to claims 1, 20, and 31. As noted above, Applicants have added recitation of a micro-pump in claims 1 and 31 and have added recitation of the analyzing circuit being embodied on a single microcircuit or a chip set, the microcircuit or chip set being integrated into the apparatus for testing the sample. Applicants submit that the specific combination of elements in each independent claim including the fact that the electrochemical sensors and the analytic circuit are integrated into one unit or apparatus is unique and not rendered obvious by the cited prior art absent hindsight reconstruction of the invention as claimed which, Applicants respectfully submit, is particularly evident in the rejections of claims 17 and 28. Therefore, Applicants further submit that the amendments to the claims have obviated the rejections thereof and, therefore, of all dependent claims under §103.

1. The Examiner has rejected claim 3 under 35 USC§103(a) as being unpatentable over Chan et al., as applied to claim 2, in view of Lin et al. (US 6,699,384).
See comments above.
2. The Examiner has rejected claim 4 under 35 USC§103(a) as being unpatentable over Chan et al., as applied to claim 2, in view of Simpson et al. (US 5,993,634).
See comments above.
3. The Examiner has rejected claims 7, 15, and 27 under 35 USC§103(a) as being unpatentable over Chan et al., as applied to claims 1 and 20, in view of Olsen (US 4,216,069).
See comments above.

4. The Examiner has rejected claims 8 and 9 under 35 USC§103(a) as being unpatentable over Chan et al. and Olsen, as applied to claim 7, in view of Peat et al. (US 6,478,950) and Warren et al. (US 6,187,164).
See comments above.
5. The Examiner has rejected claims 11 and 21 under 35 USC§103(a) as being unpatentable over Chan et al., as applied to claims 10 and 20, in view of Cliffel et al. (US patent application 2005/0014129) and Marks et al. (US 6,203,758).
See comments above.
6. The Examiner has rejected claim 16 under 35 USC§103(a) as being unpatentable over Chan et al. and Olsen, as applied to claim 15, in view of Snow et al. (US 6,221,673).
See comments above.
7. The Examiner has rejected claim 22-25 under 35 USC§103(a) as being unpatentable over Chan et al., Cliffel et al., and Marks et al., as applied to claim 21, in view of Olsen.
See comments above.
8. The Examiner has rejected claim 26 under 35 USC §103(a) as being unpatentable over Chan et al., Cliffel et al., and Marks et al., as applied to claim 21, in view of Simpson et al.
See comments above.

9. The Examiner has rejected claims 17 and 28 under 35 USC§103(a) as being unpatentable over Chan et al., Olsen, and Snow et al., as applied to claim 16, in view of Bruckenstein et al. (US 4,166,775), Porter et al. (US 6,551,495), and Srinivasan et al. (US patent application 2004/0124858). See comments above.

10. The Examiner has rejected claims 18-19 and 29-30 under 35 USC§103(a) as being unpatentable over Chan et al, Olsen, and Snow et al., as applied to claims 16, 18, 22, and 29, in view of Senda et al. (US 4,820,399). See comments above.

G. Conclusion:

Applicant respectfully requests that a timely Notice of Allowance be issued in this case for claims 1, 4-5, 7-10, 12-20, 22-33, and 37-41.

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